

CITY OF BRAWLEY
March 1, 2011

The City Council of the City of Brawley, California met in a regular meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by *Mayor Campbell* @ 6:01 PM

The invocation was offered by *Pastor Ronnie Valenzuela, Harvest Time Church*

The pledge of allegiance to our flag was led by *CM Nava*

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

The agenda was *approved* as submitted. m/s/c Miranda/Nava 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

1. PUBLIC APPEARANCES

Ron Hull, Executive Director of the Brawley Chamber of Commerce mentioned about upcoming events scheduled for the month: Community Valley Bank Ribbon Cutting March 2nd, Mid-Winter Fair Business Cocktail Party on March 10th, Imperial Valley Economic Development Commission Solar Energy Summit at Quechan Casino March 15-17th, Imperial County Transit Commission Ribbon cutting 3rd Phase Brawley By-Pass March 23rd, and the Chamber and City hosting it's 1st Annual Mayor's Breakfast on March 24th.

Mark Gaddis, El Centro resident and contractor stated that he had a concern with the upcoming fees for construction. I have purchased 6 houses in Brawley and you can't make money by putting in a fire sprinkler system, the problem here is that it needs to be tested every year and the expense is to me and I can't absorb that high fee.

Mayor Campbell stated he appreciated the concerns and comments and indicated that he believes no one wants to raise impact fees but this has been going on for probably about two (2) years and maybe even longer but we need to support this City and our infrastructure. Sometimes we need to do tough decisions and that's what we are elected to do.

Mark Gaddis mentioned that it's a modest fee but we need to stand up to the State and let them know this does not make sense to our community. We are going to exempt ourselves from this particular policy because it's going to make construction very difficult.

Mayor Campbell indicated we will look into this matter.

CM Kelley stated that he was glad this was brought up because this is an issue that has not been discussed with the Council as of yet. We have not been approached with this subject yet but glad you brought it up.

Mayor Campbell I have couple of announcements; I volunteer to be the chair person for the March of Dimes; event to be held on March 26th at Cattle Call arena, starts at 8:00 AM with registration and also on the same day it will be the Paint out Day. I have flyers and please participate the funds go to birth defect. I want to offer my condolences to Chris Furguson and family on the loss of his mother.

2. DEPARTMENT REPORTS

P & R D Morgan announced the 4th Annual Graffiti Paint-Out Day scheduled for Saturday March 26th from 8:00 AM to 12:00 PM @ Plaza Park and lunch will be served.

3. CONSENT AGENDA

The consent agenda was ***approved*** as followed: m/s/c Nava/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

- a. ***Approval*** of Accounts Payable Registers February 11, and February 17, 2011.
- b. ***Approve*** and authorize City Manager to execute interagency agreement with the California Department of Corrections and Rehabilitation, for the use of two (2) inmate work crews from Calipatria State Prison.
- c. ***Approve*** First Amendment to the City Manager's Employment Agreement.

4. REGULAR BUSINESS

- a. **DISCUSSION AND ACTION ON DEVELOPMENT IMPACT FEE ADJUSTMENT FOR DAVID SCHOFIELD 247½ SOUTH IMPERIAL AVENUE.**

Staff Report - Francisco Soto, Building Official

The request came from the property owner to get reimbursement for Development Impact Fees that were levied on a project that was re-constructed in 2010. The project consisted of a residential garage converted into one bedroom apartment, City staff disagrees with the reimbursement for several reasons that are shown on page 33 of your agenda, however the primary reason being is that we feel that the new use of the building does not create an impact to the building as opposed to the impact that was created before the work was done as a residential garage. We feel that as a residential family unit it is adding to City services. Mr. Schofield is the property owner and disagrees with this; he has submitted a letter that is found on page 34 of your agenda stating his reasons and is also in the audience.

CM Burroughs asked if Council had any particular questions from the staff report because I would like to highlight on a couple of things. Mr. Schofield and I had long discussions on this although I recommend denial. These appeals are supposed to be done at the time you pull the building permit. We are going to change our checklist with DRC to clearly show when Impact Fees can be appealed and if they are discussed. One of Mr. Schofield assertions is that staff did not inform him about the Impact Fees, the remodeling is a conversion from a garage to a single family house therefore it's a dwelling. City staff already took into account the size of the dwelling. The charge was per apartment and not to the single family dwelling, water and sewer was extended from the existing dwelling to the garage, it has a new separate electrical service so it's going to be a separate dwelling unit. As you saw from the staff report the variance part of the conversion, is to redo the sidewalk and add additional parking spaces, so it impacts transportation you have more people using the street, water and sewer because now you have another dwelling although it's through the same meter capacity it is not based on the total value that goes through the meter in one day. Another point from Mr. Schofield is that because the ordinance itself doesn't say existing buildings that it doesn't comply. That's not true in this case; it's a new impact, it's a new dwelling unit therefore it does comply.

Mayor Campbell asked Mr. Soto if with this remodel were there three (3) additional parking spaces created. **Answer:** Yes, the City ordinance requires two (2) parking spaces per single family dwelling plus one parking space for a second unit garage conversion requires more spaces. The City requires asphalt or concrete and adjusted the rate. (**Soto**)

CM Nava asked what the cost will be. **Answer:** About \$800 on a separate unit. (**Soto**)

CM Couchman asked about existing meter and not another meter put in, we need to make it clear to the public.

CM Burroughs stated that existing dwelling gave credit for that meter.

Mayor Campbell indicated that we need to make it very clear about garages converted into single apartment rentals.

Mr. Schofield stated that the DRC meeting on Impact Fees and letter from the City of Brawley mentions every detail but not the Impact Fees.

PWD Arellano stated that we need clarification on remodeling or rental limit on 3.75 per capita on dwelling water/wastewater showing same water. A rental assumes more people living in the building.

CM Burroughs clarification that's the planning commission second impact fee were discussed.

CM Kelley stated we need to understand in a field projects, unless a meter is being added we are hearing different.

CM Burroughs stated that we never discussed when adding or extending a line to a single family dwelling or it being separate from the existing dwelling.

CM Couchman mentioned that his concern was the single family dwelling. People have a lot of it already with existing meter in this case its 12%. I am confused here with the fees.

CM Burroughs stated that historically for 15 years this has been in existence and the second unit has been charged separate.

CM Nava asked if it was an addition to the house.

CM Kelley stated we need to be very clear on what is going to happen.

CM Burroughs mentioned there are 2 procedures here to charge or not to charge.

CM Couchman stated could we issue exemptions on certain areas. **Answer:** No, we need to be specific on each area. (**Burroughs**)

The council **motioned** to reimburse the Development Impact Fees to David Schofield for 247 ½ South Imperial Avenue. m/s/c Campbell/Couchman 5-0

Mayor Campbell indicated that he wants this back on the agenda at a later date to make the process clear.

5. COUNCIL MEMBER REPORTS

- a. **CM Couchman** mentioned he attended two (2) events one was the League of Cities dinner in El Centro and the ACC Installation of Officers.
- b. **CM Miranda** stated that on March 8th the City Council is invited to a Pep Rally at BUHS honoring the Wrestling Team for their 11th consecutive CIF Title. Can we have the fire engine there if it's okay with the Fire Chief and can Council present these athletes with a certificate?

FM Peraza said he didn't see a problem as long as we have Council approval.

Mayor Campbell stated he will work with the City Clerk on certificates.

- c. **CM Kelley** mentioned he attended the ICTC meeting and on March 23rd there will be a grand opening for Phase III there is a possibility that Governor Brown might attend. I want to thank CM Burroughs and PWD Arellano for the street sweeping schedule.
- d. **CM Nava** said he attended a meeting with the Imperial County Film Commission and so far it has brought in \$250,000 to the local economy and they are working on a Film Fest for sometime in May.
- e. **Mayor Campbell** stated he attended the California League of Cities Dinner and attended the ACC Installation of Officers. I want to thank all staff for their hard work.

Mayor Campbell asked Council if the regular City Council meeting of March 15 could be moved to March 22, 2011 since he and the City Manager will be in Washington, D.C. for a conference. All Council agreed to move meeting to the 22nd of March.

6. CITY MANAGER REPORT

- a. The Development Impact Fees Exhibits are being finalized this week.
- b. With your permission we will have a one (1) page insert on the Utility Users Tax inserted in the utility bill.
- c. I'm also working with Chamber on the Utility Users Tax upcoming meetings so we can have resolution by June.
- d.

7. ADJOURN TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

None to report

ADJOURNMENT @ 7:00 PM

Alma Benavides